



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

*271 Cadman Plaza East
Brooklyn, New York 11201*

SA/MW/MJ/JK
F. #

December 11, 2016

By ECF

The Honorable Brian M. Cogan
United States District Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

Re: United States v. Harun, et al. 12 CR 134 (BMC)

Dear Judge Cogan:

The government writes in brief opposition to the request by defense counsel Joshua Dratel, Esq., for an extension of the dates by which the defendant will provide expert notice as to Mark Sageman, and by which the defendant will file a reply to the government's response in opposition to the defendant's motion to suppress. For the reasons the government has previously articulated to the Court in writing and at various appearances before the Court, and given that the defendant is represented by multiple attorneys, it is unclear, based on the defendant's submission, why Sageman's expert report and the defendant's reply in response in opposition to the defendant's motion to suppress could not have been filed on Friday, or otherwise why they cannot be filed by the end of this week, along with the expert notice for Frakt (currently due on December 14 along with a response in opposition to the government's motion to preclude a defense of combatant immunity).

Moreover, the government is still awaiting a classified addendum referenced in the defendant's unclassified Daubert challenge to Evan Kohlmann, which apparently has been drafted, but was not timely filed with the Classified Information Security Officer, and thus is unavailable to the government. In light of this omission, the government's response to the Daubert challenge, undoubtedly, will be delayed.¹

¹ Depending on the content of the addendum, the government may move to strike any supplemental submission.

